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ENVIRONMENTAL PUBLIC PARTICIPATION, INFORMATION AND EDUCATION PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, STATE OF SOUTH DAKOTA

BLASER. ZENI AND COMPANY

PREPARED FOR
ENVIRONMENTAL PROTECTION AGENCY

9 SEPTEMBER 1974

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ENVIRONMENTAL PUBLIC PARTICIPATION, INFORMATION AND EDUCATION PROGRAMS

of the

Department of Environmental Protection

State of South Dakota

A Study Conducted

for the

U. S. Environmental Protection Agency

Region VIII

BLASER, ZENI & CO. | CONSULTANTS IN MANAGEMENT

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Chicago, Illinois 60602

September 9, 1974

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The purpose of designing and conducting this study was to help the state of South Dakota obtain an assessment of the needs which exist for a public participation, information and education program for environmental protection and to develop a plan for meeting those needs.
Such a plan is contained in this study report and it is envisioned that it may be implemented with minor modifications and will thereby result in a substantial gain to the Department, the state government and the citizens of the state of South Dakota. The implementation of this plan should bring about a measurable increase in public involvement and public support of the Department's environmental programs.

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September 9, 1974

Mr. Howard Kayner
Director
Office of Public Affairs
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Region VIII
1860 Lincoln Street - Suite 900
Denver, Colorado 80203

Dear Mr. Kayner:

Accompanying this letter is the final report of our firm's study of the public participation, information and education programs of the South Dakota Department of Environmental Protection.

Generally speaking, we are encouraged by the situation which we found in South Dakota.

The sources of this encouragement are: a relatively recent awareness and expression of the need for such programs and the opportunity to undertake such programs unencumbered by existing systems which need upgrading or severe modification.

In undertaking these programs, South Dakota will be launching in a new area of activity for the state and will essentially start with a "clean slate".

This is a somewhat unique advantage and it stems primarily from the state having established the Department of Environmental Protection a year ago as a separate entity rather than consolidating the environmental program within another Department with a "divisional" status.

However, the Department will nevertheless face some serious challenges ahead as it attempts to develop this program activity and operate it in an effective manner given the many other areas of necessary concern and the general funding constraints with which the Department is currently required to cope.

Some of the most valuable assistance which can be given to creating and strengthening these public affairs programs can continue to come from your Office and from the senior managers of the South Dakota environmental program by maintaining a continuing interest and awareness of the activities and operations of these programs.

We wish to express our appreciation for the time, information and constructive suggestions given to us by you and members of your staff. The recommendations contained in this study report are the product of the staff of the Region VIII office, the South Dakota state government and of Blaser, Zeni & Co.

Cordially,

Phillip T. Zeni

Phillip T. Zeni
Vice President and Project Director

PTZ:hlg
Enclosures

ENVIRONMENTAL PUBLIC PARTICIPATION, INFORMATION AND EDUCATION PROGRAMS

of the

DEPARTMENT OF ENVIRONMENTAL PROTECTION

State of South Dakota

A Study Conducted

for the

U.S. Environmental Protection Agency, Region VIII

by

Blaser, Zeni & Co.

Phillip T. Zeni
Vice President and Project Director

September 9, 1974

BLASER, ZENI & CO.
CONSULTANTS TO MANAGEMENT

This study was conducted pursuant to order number 5-HO-00054A:

U.S. Environmental Protection Agency
Region VIII
1860 Lincoln Street - Suite 900
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Mr. John Green
Regional Administrator

Mr. Howard Kayner
Director
Office of Public Affairs

ACKNOWLEDGMENTS

Although there is incorporated in this study report a formal listing of the individuals who were contacted and interviewed by Blaser, Zeni & Co. while completing this assignment, the author wishes to especially acknowledge the assistance and cooperation of several persons within the South Dakota State Government.

First, Dr. Allyn O. Lockner, Director of the Department of Environmental Protection, who gave so generously of his time and insights during the author's visit to Pierre and in subsequent telephone conversations.

Next, Ted Muenster, Executive Assistant to Governor Kneip; Jim Decker, Commissioner of the Bureau of Finance and Management; Dan Bucks, Commissioner; and Oscar Lund of the Bureau of Planning, each of whom provided valuable perspectives and assistance within their individual areas of responsibilities.

Additionally, this study would have fallen short of the degree of comprehension reflected had there not been an open and helpful spirit of cooperation on the part of Mike Judge, Larry Kyte and Lee Harris.

Finally, the author wishes to give special credit and, again, express deep appreciation to Gladys Pease for willingly changing her priorities to help make this study as complete as possible.

Phil Zeni
Chicago
August 27, 1974

TABLE OF CONTENTS

Part		Page
	PREFACE	iii
	INTRODUCTION	1
I.	APPROACH AND METHODOLOGY	4
II.	FINDINGS AND RECOMMENDATIONS	10
III.	IMPLEMENTATION	32
IV.	SUMMARY	33
	BIBLIOGRAPHY	34

PREFACE

The purpose of designing and conducting this study was to help the State of South Dakota obtain an assessment of the needs which exist for a public participation, information and education program and to develop a plan for meeting those needs.

Such a plan is contained in this study report and it is envisioned that it may be implemented with minor modifications and will thereby result in a substantial gain to the Department, the State Government and the citizens of the State of South Dakota.

The implementation of this plan should bring about a measurable increase in public involvement and public support of the Department's environmental programs.

Such support, when translated through the legislative process, has the effect of determining both the quality of laws and the level of appropriated resources which the Department will have at its disposal to fulfill its mission.

INTRODUCTION

A major portion of the technology necessary for use in obtaining substantial improvement in the quality of our environment was developed and was available for implementation many years ago.

Similarly, a large body of laws and regulations pertaining to sanitation and health has been in existence for many years both at the Federal level and within South Dakota. It is recognized, however, that these laws and regulations were not as specifically written, nor, perhaps, as comprehensively detailed, as those of today.

Nevertheless, the question which deserves to be asked is, "What, then, have been the primary barriers to achieving an enhanced environment?"

The answer to that question is more simple and obvious than many people suspect.

It is public interest and participation.

When public interest is widespread and when the public is actively participating in solving one of the problems of our society several, now common, phenomena frequently occur. First, the legislative and executive branches of government generally sense such movements and are challenged to respond with new laws, programs and administrative bodies. Second, that portion of the business community which is most conscientious or most directly affected begins to view its decisions and actions with a heightened awareness.

However, the most significant change which frequently occurs when public interest and participation increases is a concomitant increase in the level of resources, especially funding, allocated by our society to overcome a problem.

It is increased funding that makes new programs possible.

It is increased funding that makes solutions quicken in pace.

And, it is increased funding that permits the employment of other additional resources by both government and business to solve problems.

Introduction - (Continued)

If, in such a situation, public interest and participation are rebuked or withdrawn, the potential is great that new funding increases will diminish or be withdrawn entirely with the net result that, eventually, programs will languish and suffer.

What, then can be done to help assure public participation and support for necessary change and improvement?

The answer is uniquely simple on the surface and unusually complex in its implementation.

Most fundamentally, the public needs to be the subject of a concerted and consistent effort designed to draw it into the decision-making process.

Conversely, government needs to undertake such an effort without allowing it to become a barrier to accomplishment in achieving environmental improvement and maintaining the delicate balance between the environment and the economy.

To state that we live in a complex society with complex problems and even more complex solutions probably understates reality. As members of the public, each of us tends to be consumed daily with both our own immediate problems and those which most directly come to our attention in the world around us.

Of those problems calling for resolution in the world around us, those which we believe we understand best or those which most intimately effect our lives tend to receive our closest, continuing attention.

As a governmental body seeks to improve the quality of our lives through change, it must be ever mindful that even that portion of the citizenry which is enlightened to public programs tends to have narrow and specific interests, usually linked to the personal lives of its members.

Introduction - (Continued)

It is difficult enough for most people to deal with and support changes in areas in which they have knowledge; it borders on the impossible to obtain support for changes that individuals do not understand.

Change is also a factor to consider with regard to the organization's internal actions.

Improvement in nearly any situation is realized by most persons to require change. Yet, while many individuals wish to enjoy the benefits of improvement, the same individuals frequently expect to obtain improvement without change on their part.

Some can be quite resistive to change, particularly if it is expected to modify their daily operating practices, procedures and techniques.

Part of this resistance to change is normal human nature; part is illuminated by the quotation, "Any suggested change is an implied criticism of the past."

If the SDDEP is to achieve substantial improvement in its environmental public participation, information and education programs, change will be necessary and it can be anticipated that change will be resisted.

These remarks have been included to alert the senior management of the South Dakota environmental program of this strong possibility.

Thus, as resistance is encountered during the implementation phase of the recommendations made in this report, the discussions and actions of those resisting can be turned away from justifying the past and be refocused onto the future.

It is on these premises that the findings and recommendations of this report are based.

I. APPROACH AND METHODOLOGY

The Work Program involved in the research, analysis and preparation of the draft and final copies of this report was completed during the period August 2, 1974 to September 6, 1974.

APPROACH

A substantial volume of literature was reviewed during the research phase of the project, including: the most pertinent South Dakota and Federal statutes, regulations and guidelines; numerous departmental and divisional reports of the South Dakota Department of Environmental Protection; internal guidance documents and working memoranda of the Department and applicable file material of Blaser, Zeni & Co. A selected summary of this literature, so reviewed, is contained in the Bibliography portion of this report.

In addition to literature research, the interview phase of the study was constructed heavily around personal interviews between the Project Director and a wide range of individuals capable of furnishing information and insights into the central issues of the study.

The individuals, so interviewed, in alphabetic order by major categories, were:

A. SENIOR MANAGEMENT OF SOUTH DAKOTA STATE GOVERNMENT

1. Mr. Daniel R. Bucks
   Commissioner
   Bureau of Planning
   Executive Office of the Governor
   State of South Dakota
   Pierre, South Dakota 57501

2. Mr. Henry J. Decker
   Commissioner
   Bureau of Finance and Management
   Executive Office of the Governor
   State of South Dakota
   Pierre, South Dakota 57501

Approach and Methodology - (Continued)

3. Mr. Theodore R. Muenster
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Office of the Governor
State of South Dakota
Pierre, South Dakota 57501

B. SENIOR MANAGEMENT AND PLANNERS OF THE SOUTH DAKOTA ENVIRONMENTAL PROGRAM

1. Mr. Robert M. Judge
Deputy for Policy Development and Evaluation
South Dakota Department of Environmental Protection
Pierre, South Dakota 57501

2. Dr. Allyn O. Lockner
Director
Department of Environmental Protection
State of South Dakota
Pierre, South Dakota 57501

3. Mr. Oscar M. Lund
Chief
Natural Resources Section
Bureau of Planning
Office of Executive Management
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C. PROGRAM MANAGEMENT OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Mr. Ronald O. Disrud
Chief
Solid Waste & Pesticide Program
South Dakota Department of Environmental Protection
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2. Mr. Lee J. Harris
Administrative Services Officer
South Dakota Department of Environmental Protection
Pierre, South Dakota 57501

Approach and Methodology - (Continued)

3. Mr. Lawrence W. Kyte
Assistant Attorney General
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Pierre, South Dakota 57501

4. Mr. James D. Nelson
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Water Quality Program
South Dakota Department of Environmental Protection
Pierre, South Dakota 57501

5. Mr. Lyle D. Randen
Chief
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Pierre, South Dakota 57501

6. Ms. Patti Schaefer
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D. PUBLIC AFFAIRS STAFF OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Ms. Kay Johnson
Information Officer (summer intern)
South Dakota Department of Environmental Protection
Pierre, South Dakota 57501

E. SOUTH DAKOTA MEDIA REPRESENTATIVES

1. Ms. Phyllis Mensing
Newsperson - Pierre Bureau
Associated Press
Pierre, South Dakota 57501

2. Mr. Richard W. Rebbect
Farm and Outdoor Editor
Rapid City Journal
Rapid City, South Dakota

Approach and Methodology - (Continued)

3. Mr. Stewart G. Steele
News Reporter
KOTA Radio & Television
Rapid City, South Dakota

4. Mr. Terry R. Woster
Correspondent - Pierre Bureau
Associated Press
Pierre, South Dakota 57501

F. SOUTH DAKOTA ENVIRONMENTAL AND CONSTITUENCY GROUPS REPRESENTATIVES

1. Ms. Carol Y. Anderson
President
South Dakota League of Women Voters
Rapid City, South Dakota

2. Mrs. Esther Edie
Chairman
South Dakota Environmental Coalition
Bruce, South Dakota

3. Mr. Norman E. Nelson
Vice Chairman
Black Hills Group/Rocky Mountain Group
Sierra Club
Rapid City, South Dakota

G. U. S. ENVIRONMENTAL PROTECTION AGENCY MANAGEMENT

1. Mr. Robert R. DeSpain
Chief
Office of Compliance and Evaluation
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2. Mr. John A. Green
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Denver, Colorado

Approach and Methodology - (Continued)

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METHODOLOGY

This study was bounded by a focus upon seven major elements relating to the environmental public participation, information and education programs of the South Dakota Department of Environmental Protection.

These seven areas of inquiry which were conducted pursuant to the Statement of Work requested by USEPA are as follows:

A. the current environmental public participation, information and education activities of the Department;

B. the present mission, organization and effectiveness of these programs;

C. the capability of the public participation, information and education programs to support the environmental programs of the Department;

D. the present ability of the public participation, information and education programs to handle requirements of Section 101 (e) of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500);

E. the output of these public participation, information and education programs based upon current manpower and funding levels;

F. the access to and response of the senior management of the South Dakota environmental program by those persons responsible for the public participation, information and education programs of the Department; and

G. the extent and type of relations which exist between the Department and the news media, environmental groups and constituency groups with environmental programs or concerns.

II. FINDINGS & RECOMMENDATIONS

Background

Similar to most of their neighbors in the Rocky Mountains and the Great Plains states, the citizens of South Dakota enjoy a less sullied and degraded environment than their fellow citizens in the larger, more urbanized and more populous states.

However, the potential for a worsening of conditions in South Dakota and the region generally is dependent upon the continued growth within the area and the ability of the state environmental programs to rise and meet the challenges ahead.

This is not to say, though, that all of the problems are to be found in the future. Quite the contrary is true.

There are real and existing problems facing the state environmental program at the present time.

Perhaps, the most severe of these is adequate funding.

The most well conceived environmental program is likely to fail unless adequate funding is available for implementation.

Not only will such a condition of inadequate funding produce a generalized failure in terms of program accomplishment, it is also likely to require that the meager resources be utilized almost entirely in the development of a few rudimentary programs to the exclusion of dealing with the larger and equally complex task of public involvement in program formulation.

The result is likely to mean an alienation of the government from the people in this vital area of state activity, in large part, due to a simple lack of understanding of the purpose of various state actions.

Additionally, the public, as individuals and as represented by various constituency groups and as represented by their legislators, may be held off at "arm's length" by technical personnel who, by temperament or training, feel an inability to deal adequately on a public affairs level with those forces external to the program.

Findings & Recommendations - (Continued)

These several effects can result in a loss of whatever natural support there may be for such a program by those who are seeking increased regulations of potential offenders, conversely the regulatees are also affected.

Since pollution control enforcement and surveillance tends to be necessarily selective, again, due to funding constraints, a single action taken by the government can trigger widespread alarm for all potential polluters who believe they may be in the same class, unless adequate information and opportunity for participation in program development is available.

Adequate public participation, information and education can mean a better informed citizenry which is less susceptible to inflammation by alarmists or those who stand to gain by telling only one-half of a story.

Determining what the appropriate level of funding for South Dakota's environmental program should be, is a task best left to South Dakotans, consistent with meeting the federal statutes which apply to all states.

Since this is an annual undertaking of each state, however, a review of the thinking of South Dakota's neighbors may prove helpful.

While the drawing of comparisons among states presents severe challenges due to certain dissimilarities, a variety of indices are available which, when applied carefully, can serve as useful tools for determining levels of program activities.

Within the six-state Rocky Mountain-Great Plains area of Federal Region VIII, each of the states has, at a minimum:

- a relatively low population level
- a relatively low population density
- a relatively large land mass
- an environmental protection department or division
- an existing environmental program
- state and federal environmental program funding
- some awareness of the need for public involvement

Additionally, and quite significantly, each of these states derives a substantial portion of its income from agriculture and tourism.

Findings & Recommendations - (Continued)

Further, increased energy resource development is anticipated to occur in the near future in each of the states within the Region.

Such developmental activities, with their potential environmental impact, increase the desirability for a viable public affairs program.

The following tables (Exhibits #1 - 7) have been developed to illustrate this inter-state comparison in program funding vis-a-vis several significant indices such as area, population and income, in addition to some straight rankings by program area.

NOTE: The program funding levels shown are for combined state and federal funding, as budgeted for Fiscal Year 1974. The budgeted amounts were provided by the Office of Compliance and Evaluation, Region VIII, U. S. Environmental Protection Agency in order to utilize uniform criteria.

Exhibit #1

Water Pollution Control Program Funding
Fiscal Year 1974, as budgeted
Ranked by States within Federal Region VIII, USEPA

	State	Combined State and Federal Funding
1.	Colorado	$ 847,089
2.	Utah	547,787
3.	Montana	523,258
4.	South Dakota	289,208
5.	North Dakota	235,100
6.	Wyoming	207,987
Total		$2,650,429

Exhibit #2

Air Pollution Control Program Funding
Fiscal Year 1974, as budgeted
Ranked by States within Federal Region VIII, USEPA

	State	Combined State and Federal Funding
1.	Colorado	$1,235,084
2.	Montana	436,712
3.	Utah	377,334
4.	Wyoming	183,255
5.	North Dakota	82,600
6.	South Dakota	42,667
Total		$2,357,652

Exhibit #3

Solid Waste Disposal Program Funding
Fiscal Year 1974, as budgeted
Ranked by States within Federal Region VIII, USEPA

	State	Combined State and Federal Funding
1.	Colorado	$173,571
2.	Montana	107,000
3.	Utah	41,000
4.	North Dakota	40,160
5.	Wyoming	40,000
6.	South Dakota	36,570
Total		$438,301

Exhibit #4

Consolidated WPC, APC & SWD Program Funding
Fiscal Year 1974, as budgeted
Ranked by States within Federal Region VIII, USEPA

	State	Combined State and Federal Funding (in 000's)
1.	Colorado	$2,255.7
2.	Montana	1,067.0
3.	Utah	966.1
4.	Wyoming	431.2
5.	South Dakota	368.4
6.	North Dakota	357.9
Total		$5,446.3

Exhibit #5

Summary of FY 1974 Program Funding*
States within Region VIII, USEPA
as a function of AREA

	State	Area (000's of sq. mi.)	Program Funding (000's)	Dollars Budgeted per Square Mile
1.	Colorado	104	$2,255.7	$21.69
2.	Utah	85	966.1	11.37
**********		REGIONAL AVERAGE**********		9.36
3.	Montana	147	1,067.0	7.26
4.	North Dakota	71	357.9	5.04
5.	South Dakota	77	368.4	4.78
6.	Wyoming	98	431.2	4.40
Total		582	$5,446.3	$ 9.36

* Consolidation of WPC, APC & SWD programs

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Exhibit #6

Summary of FY 1974 Program Funding*
States within Region VIII, USEPA
as a function of INCOME

	State	Population Income (1972 est. in 000,000's)	Program Funding (000's)	Dollars Budgeted as a % of Income
1.	Montana	$ 2,828	$1,067.0	.0377%
2.	Wyoming	1,449	431.2	.0298
3.	Utah	4,218	966.1	.0229
**********		**********REGIONAL AVERAGE**********		.0224
4.	Colorado	11,049	2,255.7	.0204
5.	North Dakota	2,313	357.9	.0155
6.	South Dakota	2,486	368.4	.0148
Total		$24,343	$5,446.3	.0224%

* Consolidated WPC, APC & SWD programs

BUREAU OF MANAGEMENT AND BUDGET
RELEASED

Exhibit #7

Summary of FY 1974 Program Funding *
States within Region VIII, USEPA
as a function of POPULATION

	State	Population (1972 est. in 000's)	Program Funding (000's)	Dollars Budgeted per capita
1.	Montana	707	$1,067.0	$1.51
2.	Wyoming	337	431.2	1.28
3.	Colorado	2,402	2,255.7	.94
**********		REGIONAL AVERAGE	**********	.93
4.	Utah	1,140	966.1	.85
5.	North Dakota	625	357.9	.57
6.	South Dakota	672	368.4	.55
Total		5,883	$5,446.3	$ .93

* Consolidated WPC, APC & SWD programs

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Findings and Recommendations - (Continued)

There are reasons, however, to be encouraged for the future of the South Dakota Department of Environmental Protection.

First, during the course of a general reorganization of state government this past year, when many agencies, boards, commissions and departments were consolidated, the Department of Environmental Protection was established as a separate entity of state government, with potentially high visibility. (see Exhibit #8)

Second, during the course of accumulating the data contained in this study report, several senior officials of the Department and of the South Dakota Government expressed an interest and willingness to attempt to secure larger appropriations for the Department in the coming budgetary session of the state legislature.

If South Dakota is to meet the challenges which lie ahead, it will require that these potential funding increases become realities.

It will also require that the citizens of the state have an even larger opportunity to know of the activities of the Department and be allowed the chance to participate in the formulation of their environmental future.

Drawing the public into the environmental decision-making process through a concerted program of public participation, information and education deserves a major focus by the Department in the year ahead.

The recommendations contained in this report are tied to a strong approach of managing for results and have been designed with a perceived recognition of the resource constraints, both positive and negative, now attendant to the Department.

These recommendations are furnished as the plan for accomplishing the goal of an improved South Dakota state environmental public affairs program.

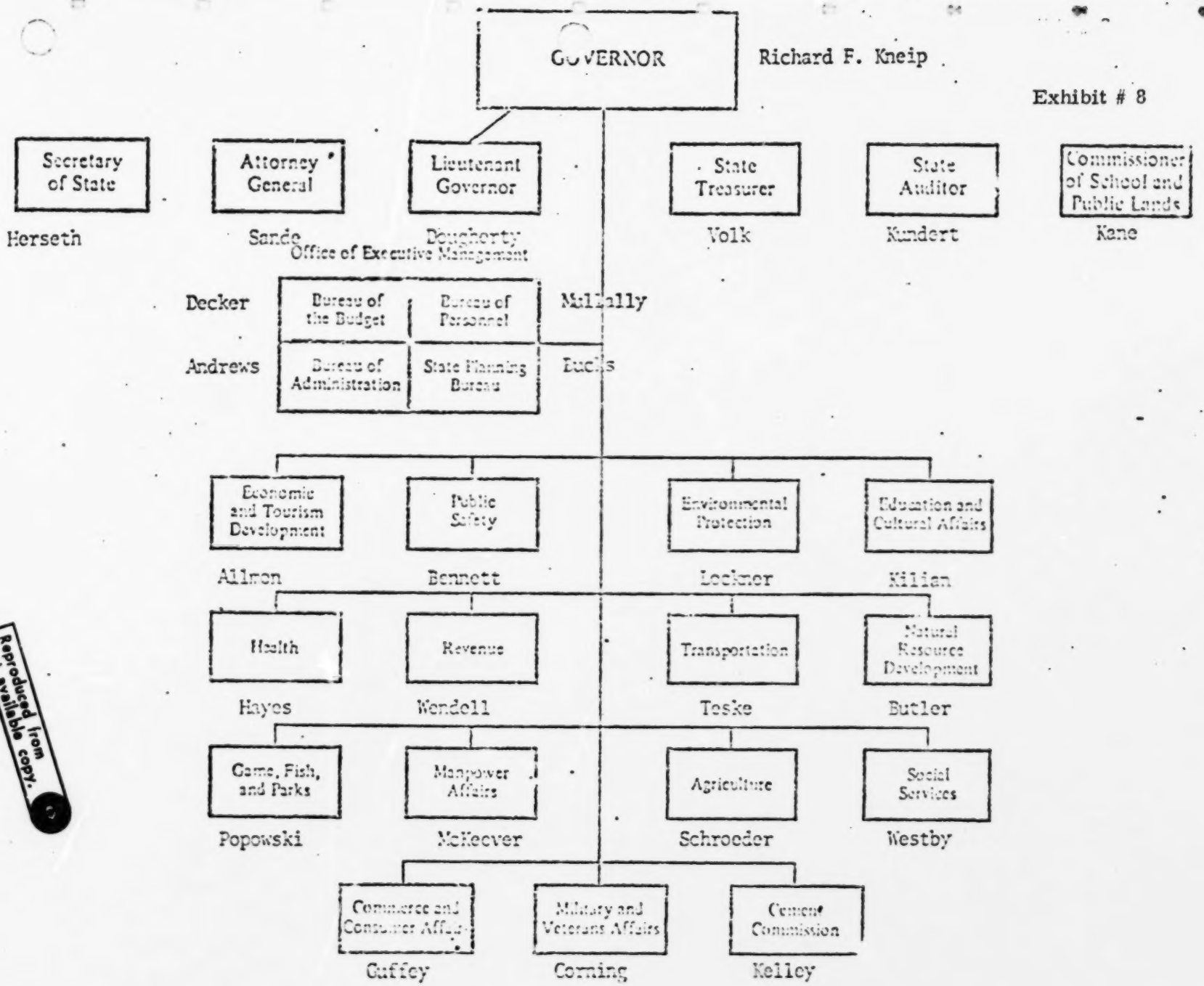

Exhibit # 8

Reproduced from best available copy.

Source: Bureau of Finance and Management (8/14/74)

FINDINGS

Similar to many states, certain programs concerning the environment were actively operating within South Dakota State Government long before widespread public awareness for the need for such programs developed in the late 1960's.

However, once public involvement increased as a reflection of heightened public awareness and concern, elements of the environmental programs in South Dakota began to change.

Several new state environmental statutes were enacted, a new Department of Environmental Protection (DEP) was created and increased funding for existing and new programs began to flow.

Public interest and attention concerning South Dakota State Government's environmental organizations also increased.

Environmental program managers began to see their actions in a somewhat different light and realized that much of what was previously routine and most of what was new, was now, more than ever, being subjected to increased public scrutiny as increased public dollars began to flow into the DEP's environmental programs.

In part, the public was and still is attempting to understand the uses to which their tax dollars were and are being put.

Such public attention to the decision-making processes of environmental agencies of government has become widespread in recent years and is certainly not limited to the pressures which have been felt by the DEP.

Realizing this, many environmental program managers throughout the nation have been able to successfully convert this public attention into meaningful support for their organization's programs.

Failure to attempt to secure such support can produce a sense of alienation among environmental activists and in the extreme can result in a loss to the organization of needed support from its most natural allies who are most anxious to be of assistance.

Findings - (Continued)

Conversely, this failure to attempt a consistent and continuing dialogue with the "regulated" can be read as an arbitrary attitude on the part of government and can, in the extreme, result in calls for the dissolution of all environmental programs by the uninformed.

Further, the rights of the public to participate in the environmental decision-making process, at least in state water pollution control programs, has been reaffirmed by recent federal law (P.L. 92-500) and deserves appropriate action.

The instigation of an increased capability to deal with the public concerning environmental matters offers the DEP the two-fold potential benefit of converting to its advantage a waiting public resource, while helping meet legal requirements of both South Dakota State Government (see the S.D. Administrative Procedures Act) and the Federal Government.

In taking such actions, the DEP will be joining the ranks of dozens of forward-looking states which have seen these opportunities for enlarged public support and have moved to secure these benefits.

At the present, the environmental public participation, information and education activities of the DEP are at a relatively low level compared to:

1. what is needed if the public is to be adequately informed;

2. what is possible with a relatively small resource addition, providing a cohesive program is carefully executed;

3. what is perceived to be lacking by the various external groups (e.g., the news media and constituency groups);

4. what many other states of similar characteristics are doing; and

5. what is recommended by the USEPA public participation guidelines pursuant to P.L. 92-500. (see Exhibit #9)

Findings - (Continued)

Generally, the DEP is doing the bare minimum which is required by federal and state law and regulations to draw the public into the decision-making process concerning environmental permit-granting, standards development and program planning.

Much of the problem associated with a lack of a comprehensive and active public affairs program stems from the relative newness of the DEP.

Most of the current void in this area can not be realistically attributed to a lack of willingness or interest on the part of the DEP's program managers or staff.

Throughout virtually the entire research phase of this study, comments were repeatedly made by interviewees within the DEP which urged that a stronger, more centralized approach and mechanism be developed to execute a viable public participation, information and education program.

Similarly, those interviewees who were external to the DEP called for such an approach and mechanism.

Exhibit #9

24-a

federal register

THURSDAY, AUGUST 23, 1973

WASHINGTON, D.C.

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PART III

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ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Public Participation in Water Pollution Control

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 105—PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL

Minimum Guidelines

On February 23, 1973 (38 FR 5038), the Administrator of the Environmental Protection Agency proposed regulations specifying minimum guidelines for public participation in certain processes under the Federal Water Pollution Control Act, as amended. Section 101(e) of the Act requires the Administrator, in cooperation with the States, to develop and publish such regulations, and to provide for, encourage, and assist public participation in the development, revision, and enforcement of any regulation, standard effluent limitation, plan, or program established by the Administrator or by any State under the Act.

The regulations are a general statement of policy, setting forth objectives in public participation. They describe the provisions required in a minimum public participation program at State and Federal levels of governmental activity for water pollution control, call for a summary report on public participation efforts in relation to certain actions, and give minimum procedural guidelines for public hearings. Other regulations in Chapter 40 provide more explicit requirements for public hearings and other procedures related to particular programs under the Act (for examples, see Part 135 on Citizen Suit procedures, §§ 124.31 thru 124.37 and §§ 125.31 thru 125.35 on the National Pollutant Discharge Elimination System, § 35.556 on State Program Grants, § 130.14 on the State Continuing Planning Process, among other provisions).

The regulations are based on the evident intent of Congress that public participation under the 1972 Act is to be accorded new significance, and that special attention and resources will be required. Emphasis for public involvement is placed at three levels: First, in development of statewide programs, including priority lists for allocation of resources; second, in preparation of basin and areawide plans involving selection among alternative systems and projects; and third, in the case-by-case consideration of local projects and permit applications.

The proposed regulations published had been developed with informal participation of and suggestions from numerous persons, including representatives of several citizen and conservation groups, trade organizations, governments, and other interests. The States had an opportunity to comment on the proposed regulations in draft form.

Further public and government comment was sought upon publication of the proposed rules. More than fifty sets of written comments, as well as a number of verbal comments, were received and reviewed. The Environmental Protection Agency has carefully considered all submitted comments. All written comments are on file with the Agency. Many suggestions have been adopted or substantially satisfied by editorial changes in, deletion from, or addition to, the guidelines. These and other principal comments are discussed below.

1. Several commenters expressed concern that the guidelines did not provide sufficient opportunity for public participation in establishment of the state program for public participation. The language of § 105.3, "Required Program and Reports", has been modified to clarify the concept that this is an integral part of the overall state program for water pollution control, subject to continuing public scrutiny and consideration, as well as to annual review and approval by the Regional Administrator.

2. In § 105.4, "Guidelines for Agency Programs", each of the §§ 105.4(a) through 105.4(c) has been edited in response to comment by citizens and conservation groups to describe more precisely the elements that should make up an agency public participation program.

3. In § 105.4(d), "Notification", some redundant language was deleted at the suggestion of several states.

4. In § 105.4(e), "Access to Information", the listing of specific material to be made available for public reference has been deleted. Specifying material increases the possibility that other relevant material might be overlooked or omitted. Certain information, such as grant applications, is more useful in final submission form than as working materials.

5. An industry group requested language protecting trade secrets be inserted in §§ 105.4(e) and 105.4(f), "Enforcement." This reference was not included since such safeguards are provided adequately in the Act and in Part 2 of this chapter, dealing with freedom of information.

6. Numerous commenters questioned the negative language originally proposed in § 105.4(f), "Enforcement." This has been changed to read: "Public efforts in reporting violations shall be encouraged * * *" Additional provision has been made to ensure followup to such reporting.

7. Conservation and citizen groups argued for stronger provision for prior public notice on out-of-court settlements under § 105.4(g) "Legal Proceedings." This provision has been modified to reflect the July 17, 1973, Statement of Policy by the Department of Justice providing for public comments on consent decrees involving discharge of pollutants in the environment.

8. An additional provision has been added to § 105.4(h), "Rulemaking," pertaining to the availability of information about proposed rulemaking.

9. Numerous comments, notably from State governments, called attention to the burden placed on their resources in efforts to meet the public participation requirements. These regulations have been prepared with full consideration for section 101(f) of the Act which focuses on the need for minimization of paperwork and the best use of available manpower and funds. The simple device of a public statement or "Summary of Public Participation" as called for in § 105.5, "Guidelines for Reporting," was strongly endorsed by many citizen groups as a means of encouraging agency efforts to improve public participation without generation of excessive paperwork.

10. Almost all citizen groups responding to publication of the proposed regulations called for stronger provision in § 105.6, "Guidelines for Evaluation," for action on the Summary of Public Participation. The opening paragraph has been revised to indicate clearly that a Regional Administrator may reject a plan or grant application if he finds inadequate public participation. Although many commenters wanted a separately published evaluation of the Summary of Public Participation, this was felt to be contrary to the objective of section 101(f) of the Act. The findings on public participation, however, are to be incorporated into the action documents on a plan, grant application, or other matter.

11. Paragraphs (a) through (g) of the Evaluation section, § 105.6 have been omitted. To include these in the regulations would invite excessive legal interpretation, resulting in voluminous paperwork and records. These paragraphs proposed in the published guidelines as suggested measures of evaluation, will be incorporated into material for regional office guidance. The supplementary material, of less rigid format than regulations, will include additional points suggested in comments received.

12. Section 105.7(c), "Opportunity for Hearing," has been retitled and restated for consistency with language of the Act, and includes a provision responding to a number of comments calling for holding public hearings in cases of doubt.

13. In commenting on § 105.7(d), "Hearing Notices," numerous groups representing both industry and conservation interests stressed a need for more adequate time to prepare organizational response to proposed agency actions. Their comments recommended notice of 45 to 60 days in advance of hearings. The stated 30-day advance notice, however, is consistent with established practice.

14. A new § 105.9, "Applicability," has been added to make it clear that these guidelines cannot be retroactive, nor used to delay programs already under way.

15. Many commenters proposed funding support for state and local workshops similar to the previous effort under the Clean Air Act. This was felt to be inappropriate for coverage in these regulations since it is essentially a question of resources rather than procedures.

16. Several commenters raised questions on the right of appeal when citizen views had been ignored or not adequately provided for. This right is not separable from other aspects of the water pollution control programs in which normal channels of communication to administrators are open and provisions for citizen suit are available.

17. A few commenters representing varied interests requested specifically naming industrial groups or representa-

24-C.

tives of the urban poor and minorities in relation to certain provisions for access or participation. It was felt that naming such interests would imply exclusion of other interests and it would be unwise to attempt to narrow the definition of "public" in any way.

Accordingly, the regulations providing guidelines for public participation in water pollution control programs are hereby promulgated, to take effect upon publication.

Dated August 17, 1973.

JOHN QUARLES,
Acting Administrator.

A new Part 105 is added to Subchapter D, Chapter 1, CFR, Title 40, as follows:

PART 105—PUBLIC PARTICIPATION IN WATER POLLUTION CONTROL

Sec.
105.1 Scope.
105.2 Policy and objectives.
105.3 Required program and reports.
105.4 Guidelines for agency programs.
105.5 Guidelines for reporting.
105.6 Guidelines for evaluation.
105.7 Guidelines for public hearings.
105.8 Coordination and non-duplication.
105.9 Applicability.

AUTHORITY.—Sec. 101(e), Federal Water Pollution Control Act (Sec. 2, Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500; 86 Stat. 816; 33 U.S.C.).

§ 105.1 Scope.

This part sets forth minimum guidelines for public participation in the processes of development, revision and enforcement of any regulation, standard, effluent limitation, plan or program under the Federal Water Pollution Control Act, as amended (Public Law 92-500; 86 Stat. 816; 33 U.S.C. 1251), in accordance with section 101(e) of the Act. This part is applicable to all Environmental Protection Agency (EPA) components concerned with the Federal Water Pollution Control Act, including EPA Headquarters program offices and divisions, and EPA Regional Offices, and to States and interstate agencies. These guidelines contain general requirements applicable to regulations, standards, effluent limitations, plans and programs. More specific requirements applicable in specific areas are contained in existing regulations on Public Information (Part 2 of this chapter) and in other regulations that have been or will be issued pertaining to various specific programs under the Act, as well as State and local laws pertinent to the subject.

§ 105.2 Policy and Objectives.

Participation of the public is to be provided for, encouraged, and assisted to the fullest extent practicable consistent with other requirements of the Act in Federal and State government water pollution control activities. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved popular understanding of official programs and actions. Although the primary responsibility for water quality decision-making is vested by law in public agencies at the various levels of government, active public involvement in and scrutiny of the intergovernmental decision-making process is desirable to accomplish these objectives. Conferring with the public after a final agency decision has been made will not meet the requirements of this part. The intent of these regulations is to foster a spirit of openness and a sense of mutual trust between the public and the State and Federal agencies in efforts to restore and maintain the integrity of the Nation's waters.

§ 105.3 Required Program and Reports.

Each agency cited in § 105.1 carrying out activities under the Act shall provide for and conduct a continuing program for public participation comprising substantially the elements listed in § 105.4. Staff responsibility and budgetary provisions shall be identified for such program in the administration element of the annual State program submission under Part 35 Subpart B of this chapter. Public participation activities shall be reported on annually and in relation to certain documents and actions as called for in § 105.5.

§ 105.4 Guidelines for Agency Programs.

The continuing agency program for public participation shall contain mechanisms or activity for each of the elements listed in this section. The exact mechanism and extent of activity may vary in relation to resources available, public response, and the nature of issues involved.

(a) *Informational Materials.*—Each agency shall provide continuing policy, program, and technical information at the earliest practicable times and at places easily accessible to interested or affected persons and organizations so that they can make informed and constructive contributions to governmental decision-making. News releases, newsletters and other publications may be used for this purpose. Special efforts shall be made to summarize complex technical materials for public and media use.

(b) *Assistance to Public.*—Each agency shall have an arrangement for providing technical and informational assistance to public groups for citizen education, community workshops, training, and dissemination of information to communities. Requests for information shall be promptly handled.

(c) *Consulation.*—Each agency shall have standing arrangements for early consultation and exchange of views with interested or affected persons and organizations on development or revision of plans, programs, or other significant actions prior to decision-making. Advisory groups, ad hoc committees, or workshop meetings may serve this purpose.

(d) *Notification.*—Each agency, for its appropriate geographic area, shall maintain a current list of interested persons and organizations, including any who ask to be on such list, for the periodic distribution of materials in paragraph (a) of this section. Each agency shall additionally comply, in connection with any public hearing or other proposed action, with any formal or specific requirements for public notice called for in the Act or in other regulations, to be supplemented wherever possible with informal notice to all interested persons or organizations having requested in advance such notice.

(e) *Access to Information.*—Each agency shall provide, either directly or through others, in an appropriate location or locations, one or more central public collections or depositories of water quality reports and data pertinent to the geographic area concerned. Examples of the materials available for public reference could include grant and permit applications, permits, effluent discharge information, compliance schedule reports, and materials specified in section 308(b) of the Act. Copying facilities at reasonable cost shall be available.

(f) *Enforcement.*—Each agency shall develop internal procedures for receiving and ensuring proper consideration of information and evidence submitted by citizens. Public effort in reporting violations of water pollution control laws shall be encouraged, and the procedures for such reporting shall be set forth by the agency. Alleged violations shall be promptly investigated by the agency.

(g) *Legal Proceedings.*—Each agency shall provide full and open information on legal proceedings under the Act, to the extent not inconsistent with court requirements, and where such disclosure would not prejudice the conduct of the litigation. Actions of the Environmental Protection Agency shall support and be consistent with the Statement of Policy issued by the Department of Justice with regard to affording opportunities for public comment before the Department of Justice consents to a proposed judgment in an action to enjoin dischargers of pollutants into the environment. (See Title 28, Code of Federal Regulations, Chapter 1, § 50.7.)

(h) *Rule Making.*—In addition to providing an opportunity for public hearings on proposed regulations, where appropriate or required under applicable statutes or regulations, agencies shall invite, receive, and consider comments in writing from any interested or affected persons and organizations. All such comments shall be part of the public record, and a single copy of each comment shall be routinely available for public inspection. Notices of proposed rule making, as well as final rules and regulations, shall be distributed to interested or affected persons as quickly as possible after publication. Each notice of proposed rule making shall include information as to the availability of the full texts of proposed rules and regulations (where these are not set forth in the notice itself) and as to the designated places where copying facilities shall be available at reasonable cost to the public.

(i) *Other Measures.*—The listing of specific measures in this section shall not preclude additional techniques for ob-

24-d

taining, encouraging, or assisting public participation.

§ 105.5 Guidelines for Reporting.

The annual report of each EPA unit or office, and the annual State program submission under Section 106 of the Act as required under Part 35 of this Chapter, shall include a description of public participation provisions and activities. In addition, and in order that the public and reviewing or approving officials may be fully aware of the actual extent of public input and involvement, a Summary of Public Participation related to particular actions or documents shall be publicly presented as follows:

(a) In the case of regulations and standards required to be published by the Administrator in the FEDERAL REGISTER or required to be published by a State agency in an official form, the Summary of Public Participation shall be published as part of the introductory material.

(b) In the case of Statewide or areawide plans or portions thereof (including the continuing planning process under section 303(e) of the Act and plans developed under such process), or comparable matters required to be approved by the Administrator, the Summary of Public Participation shall be submitted as a part of the plan or of the public transmittal document.

(c) In the case of applications for grants for construction projects other than those under section 206 of the Act, or for planning or annual program grants (including grants under sections 102(c), 106, and 208 of the Act), the Summary of Public Participation shall be a part of the application.

(d) Each Summary of Public Participation shall describe the measures taken by the agency to provide for, encourage, and assist public participation in relation to the matter; the public response to such measures; and the disposition of significant points raised.

§ 105.6 Guidelines for Evaluation.

The Administrator, Regional Administrator, or other approving official shall review and evaluate each Summary of Public Participation in relation to the matter submitted. He may call for additional information, or for the records of meetings or hearings. If he finds that there has been inadequate opportunity for public participation on the matter, he may disapprove or suspend action; or alternatively take measures, or require the sponsoring agency to take measures, to obtain additional public participation, prior to final action. Such final action shall include a statement of findings in regard of public participation.

§ 105.7 Guidelines for Public Hearings.

Any public hearing, whether mandatory or discretionary, to be held under the Act shall be in conformity with this section. If conflict exists between the minimum guidelines of this section and requirements of State or Federal law or other regulations pertaining to a particular hearing, the more stringent requirements shall be observed.

(a) *Purpose.*—Generally, a public hearing gives persons and organizations a formal opportunity to be heard on a matter prior to decision-making. Although public hearing testimony may focus on the prospective action to be taken in the form of a tentative plan or decision, the final actions shall benefit from and reflect consideration of the public hearing content.

(b) *Public Meetings.*—Agencies are encouraged to hold public meetings or workshops, jointly where feasible, on significant matters or proposed actions. Such meetings shall not supplant public hearings when such are required, and shall be informational in nature with opportunity for public response.

(c) *Opportunity for Hearings.*—Where the opportunity for public hearing is called for in the Act, and in other appropriate instances, a public hearing shall be held if the hearing official finds significant public interest (including the filing of requests or petitions for such hearing) or pertinent information to be gained. Instances of doubt should be resolved in favor of holding the hearing, or if necessary, of providing alternative opportunity for public participation.

(d) *Hearing Notices.*—In addition to any other formal legal requirements, a notice of each hearing or public meeting shall be well publicized and be mailed to interested or affected persons and organizations as soon as the hearing or meeting is scheduled by the agency and in the case of a hearing, at least thirty calendar days before the hearing is to take place. If it should be necessary to allow less than thirty days' notice prior to a hearing, the hearing notice shall state the reasons for such shorter time period.

(e) *Location and Time.*—In determining the locations and times for hearings, consideration shall be given to easing travel hardship and to facilitating attendance and testimony by a cross-section of interested or affected persons and organizations. Accessibility of hearing sites by public transportation shall be considered.

(f) *Documents.*—Reports, documents, and data to be discussed at the public hearing shall be available to the public for a reasonable time prior to the hearing. For complex matters, a Fact Sheet outlining major issues, tentative staff determinations if appropriate, bibliography, and procedures for obtaining further information, for requesting a public hearing, and for other appropriate actions shall be prepared and its availability made known in the notice called for in paragraph (d) of this section.

(g) *Agenda.*—The elements of the public hearing, proposed time schedule, and any constraints on statements shall be specified in the notice of the hearing.

(h) *Scheduling.*—Witnesses at public hearings shall be scheduled in advance when necessary to ensure maximum participation and allotment of adequate time for testimony, provided that such scheduling is not used as a bar to unscheduled testimony. Blocks of time shall be considered for major categories of witnesses. Evening and weekend schedules shall be considered.

(i) *Statements.*—Public hearing procedures shall not inhibit free expression of views by requirements of more than one legible copy of any statement submitted, or for qualification of witnesses beyond that needed for identification.

(j) Records.—A record of public hearing proceedings shall be made promptly available to the public at cost.

§ 105.8 Coordination and Non-Duplication.

In accordance with the policy of section 101(f) of the Federal Water Pollution Control Act, public participation activities and materials required under the Act or these regulations may be combined with closely related programs or activities of the agencies concerned, wherever such combination will enhance the economy, the effectiveness, or the timeliness of the effort, enhance the clarity of the issue, and not be detrimental to participation by the widest possible public. Hearings and meetings may be held jointly by more than one agency on the same matter under the Act, where such procedure does not conflict with other provisions. Interstate agencies particularly are encouraged to develop combined proceedings on behalf of the States concerned.

§ 105.9 Applicability.

The provisions of this part shall apply only to actions taken after the effective date of this part.

[FR Doc.73-17892 Filed 8-22-73;8:45 am]

RECOMMENDATIONS

RECOMMENDATION #1: That the SDDEP adopt as a senior level strategical policy an affirmative decision to design and execute a viable, comprehensive, on-going centralized approach and mechanism for the creation and operation of an environmental public participation, information and education program within the Department.

RECOMMENDATION #2: That the environmental public participation, information and education functions of the DEP be assembled into a separate program - perhaps, designated as the "Environmental Public Interest Center."

RECOMMENDATION #3: That a new commitment of one annual man-year plus support staff be made available to this program activity by the DEP.

RECOMMENDATION #4: That additional cost-sharing program grant funds be requested from the U.S. Environmental Protection Agency for this program area.

RECOMMENDATION #5: That additional budgetary resources be requested from the South Dakota State Legislature, as soon as is appropriate, for this program area.

RECOMMENDATION #6: That the Public Affairs Office, Region VIII, U.S. Environmental Protection Agency, be requested to provide in-service training to individuals assigned to this program.

Recommendations - (Continued)

RECOMMENDATION #7: That an "Environmental Information Coordinator" be designated to manage this program who would report directly to the Director of the Department. (see Exhibit #10)

The functions of the position of "Environmental Information Coordinator" would include, at a minimum:

1. the responsibility for preparation and management of an approved annual program plan for the SDDEP's environmental public participation, information, and education program (The Program Plan and Budget should be prepared so as to facilitate inclusion in the individual media program grant applications);

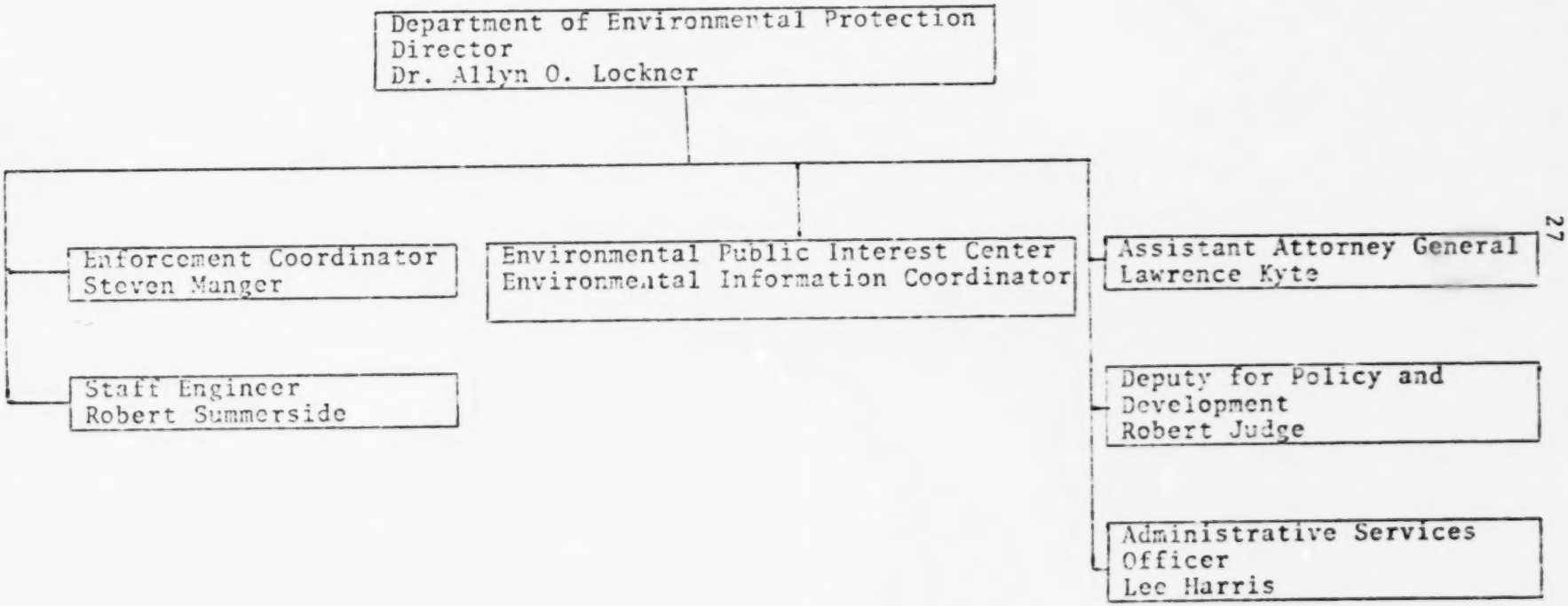
2. the responsibility for preparation and management of an approved budget to meet the goals outlined in the annual program plan;

3. the management of all significant external communications of environmental information which is not more appropriately the responsibility of the "line" environmental managers, (i.e., the Director, Administrators or Bureau chiefs);

Exhibit #10

State of South Dakota
Department of Environmental Protection
ENVIRONMENTAL PUBLIC INTEREST CENTER

Proposed Organization Chart



BOARDS OF SYSTEMS
ORGANIZATION

Recommendations - (Continued)

RECOMMENDATION #7: (Continued)

4. the management of the "Environmental Public Interest Center" staff members who are assigned on a permanent basis or employees or volunteers who may be utilized on a temporary "project" basis; and

5. the responsibility for maintaining an adequate degree of flexibility in the operation of the environmental public participation, information and education program to respond to the reasonable needs of the SDDEP and to external organizations and individuals.

RECOMMENDATION #8: That a budget needs to be specifically delineated for the environmental public participation, information and education programs within the SDDEP.

RECOMMENDATION #9: That well qualified individuals be recruited or promoted and compensated at levels which are competitive for this type of work within the corporate sector in South Dakota or in the public sector in similar states.

Recommendations - (Continued)

RECOMMENDATION #9: (Continued)

It is estimated that the compensation level for the "Environmental Information Coordinator" would need to be placed in a range of $14,000 - $17,000 in order to attract the quality of candidates necessary to successfully accomplish the results which are being sought. This compensation level would appear to be reasonable when compared to those of other managers who report to the Director of DEP and when consideration is given to the constraints of the labor market.

RECOMMENDATION #10: That adequate office facilities be provided for this program activity including the designation of a specific area as an "Environmental Public Interest Center."

RECOMMENDATION #11: That a concise monthly activity report be prepared by the "Environmental Information Coordinator" for review with his supervisor, the Director of DEP. Additionally, a copy should be sent to the Public Affairs Office, Region VIII, USEPA in conformance with a new program of gathering such data pursuant to the state program grant from the USEPA. Such a procedure will also help assure that the Public Affairs Office is aware of these program activities which can help prevent duplication of effort and strengthen the potential for joint ventures among the SDDEP and the Region VIII Public Affairs Office.

Recommendations - (Continued)

RECOMMENDATION #12: That initially, a quantitative improvement in the flow of environmental information to the public be achieved by assuring that each significant action of the Department is brought to the attention of the "Environmental Information Coordinator" in order to obtain adequate news coverage. Accomplishing this objective will require genuine astuteness concerning the Department's program areas by the "Environmental Information Coordinator."

Such a procedure also helps condition the other environmental program managers to utilize this mechanism for the transmission of significant information.

RECOMMENDATION #13: That a qualitative improvement in the flow of environmental information to the public be achieved through careful attention to the release of localized or regionalized information.

RECOMMENDATION #14: That a brief, consolidated annual report be prepared by the "Environmental Information Coordinator" for public distribution which would clearly and concisely inform the public of the year's significant activities of the Department of Environmental Protection and would, in laymen's terms, provide a summary of the condition of the South Dakota environment.

It may be feasible to prepare this report as an extraction of the material used to meet the Federal reporting requirements.

Recommendations - (Continued)

RECOMMENDATION #15: That all future plans and documents which relate to public participation, information and education be developed jointly among the "Environmental Information Coordinator" and the appropriate bureau manager.

This recommendation is of particular significance at this time considering the potential impact of the implementation of P. L. 92-500 and the resulting guidelines, 38FR 163 - Public Participation in Water Pollution Control. (see Exhibit #9)

RECOMMENDATION #16: That a plan be developed and executed by the "Environmental Information Coordinator" to assure that he and the appropriate senior managers of the SDDEP meet periodically with the editorial boards of South Dakota's major media outlets and with the board members and chief executive officers of the state's major environmental groups.

III. IMPLEMENTATION

Developing an improved organization approach and utilizing improved vehicles for communication, while being cognizant of the resource constraints is one of the primary tasks ahead if the SDDEP is to reap the benefits of improved public support and increased funding for environmental programs.

This report proposes a series of recommendations, some quite subtle and some quite complex. In addition, there is an inter-relationship among many of the recommendations, not always fully apparent at first.

Because of strict time limitations, many of the recommendations have had to be outlined in broad terms.

Currently the present staff of the SDDEP is already fully occupied with on-going operations. Thus, the time available to them for implementation of the recommendations is limited.

> RECOMMENDATION #17: That Phillip T. Zeni of Blaser, Zeni & Co. work closely with the SDDEP during the initial implementation period (probably ten man-days of consulting) in order to help the Department achieve the benefits from the recommendations as quickly as is feasible.

If the length of time taken to implement the recommendations is extended unnecessarily or if the quality of implementation is diminished from the pattern outlined in this report, it can mean:

1. continued loss of the opportunities which await to engender greater public support
2. a delay in the full implementation of the Public Participation provisions pursuant to P.L. 92-500
3. a less well-informed citizenry in South Dakota
4. a diminution in the potential for increased appropriations for departmental funding

IV. SUMMARY

Considering the circumstances, promptness in achieving improved public participation, information and education programs for the SDDEP is vital.

The recommendations contained in this report are designed to not only bring improvements in the near term, but to help assure that these improvements are sustained in subsequent years.

It is envisioned that the road ahead will be difficult; but that through the implementation of the recommendations, the SDDEP will travel that road more quickly and will encounter fewer obstacles.

Blaser, Zeni & Co. believes that the SDDEP has the potential to achieve the desired improvement in the public affairs program providing the recommendations contained in this report are implemented promptly, thoroughly and carefully.

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